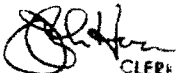


FILED

FEB 25 2014


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JAMES A. COTTIER,

Plaintiff,

vs.

DENNIS DOUGAARD,
DAROL YOUNG,
RANSON RICH,
and MARVIN LANE,
a/k/a Jack Kuzcack,

Defendants.

CIV 13-4142-RAL

ORDER DISMISSING CASE
FOR FAILURE TO PAY
PARTIAL FILING FEE

Plaintiff James A. Cottier ("Cottier") is an inmate at the South Dakota State Penitentiary in Sioux Falls, South Dakota. Doc. 1. On December 19, 2013, Cottier has filed a pro se civil rights lawsuit pursuant to 42 U.S.C. § 1983. Doc. 1. Cottier also filed a Motion for Leave to Proceed in forma pauperis, Doc. 2, and a prisoner trust account report, Doc. 3. His prisoner trust account report revealed that Cottier had \$1,456.77 in his account and an average monthly balance for the past six months of \$1,219.13. Doc. 10. On January 21, 2014, this Court granted Cottier leave to proceed in forma pauperis and calculated his initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1). Doc. 5 at 2-3. The Court ordered that the partial filing fee be paid by February 21, 2014, and warned Cottier that failing to pay the initial partial filing fee by February 21, 2014 would result in his Complaint's dismissal without prejudice. Doc. 5 at 2-3.

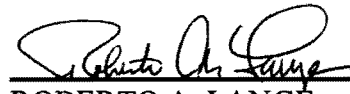
The February 21, 2014 deadline has passed and Cottier has neither paid the initial partial filing fee in this matter nor asked for an extension of time in which to do so. Rather, Cottier has filed additional § 1983 Complaints. See e.g., Cottier v. Blindman, 14-4021-RAL; Cottier v. Lane, et al., 14-4022-RAL. Cottier's case is therefore dismissed without prejudice for failing

to comply with this Court's order. See Fed. R. Civ. Pro. 41(b); see also Conley v. Holden, 109 F. App'x 846, at *1 (8th Cir. Sept. 21, 2004) (affirming district court's dismissal of inmate's case for failing to pay the assessed initial partial filing fee). Accordingly, it is

ORDERED that Cottier's Complaint, Doc. 1, is dismissed without prejudice because Cottier failed to comply with this Court's orders. A separate judgment will be entered in accordance with this Order.

Dated February 25th, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE